

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES
(OFFICIAL REPORT)

DAILY HANSARD

Wednesday July 15, 2015
PLENARY

July 15, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
OFFICIAL REPORT
Wednesday, July 15, 2015
The House met at 3.08 p.m.
[The Speaker (Hon. G. K. Kipng'etich) on the Chair]
PRAYERS**

Hon. Speakers: Do we have quorum?

COMMUNICATION FROM THE CHAIR

Hon. Speaker. Hon members we apologize for starting late due to some issues we were trying to sort out in this assembly by the House business committee. Otherwise we would like to welcome students and teachers from (Chepkupet) Primary School within Singorwet Ward. I hope you will be able to interact with the members of county assembly and get to learn what is the role of the other arm of county assembly and the devolved system of the governance as admitted in Chapter 11 of our constitution. So be free to interact with the members of the County assembly as well as the staff. We feel honoured when students, teachers and parents within the County visit our Institution because at the end of the day you will be able to carry home the message on what our critical roles are that one day you as the students will be one day one time be honourable members debating in this county assembly, I would like to have a meeting after the session with the members of the county assembly.

Hon. Speaker: Next order

❖ **PAPER**

THE REPORT FROM THE PROCEDURE AND RULES COMMITTEE

Hon. Joyce Korir: Thank you hon. Speaker for giving me this chance. I would like to table the report from the "Procedure and Rules Committee". I would like to lay the following papers today, Wednesday 15th July for the financial year ending 30th June 2014.

Hon. Speaker: It is now the property of the House. The House will be able to allocate time and date for the debate

❖ **STATEMENT**

INFORMATION TO MEMBERS ON BUSINESS IN THE NEXT DAY SITTING

Hon. S. Towett: Thank you hon. Speaker. I talk on behalf of the House business committee to inform the members of business in tomorrow's sitting. We will be having the motion on the report of the house business committee. We will also have a motion on the progress report on the committee on Procedures and Rules. We will have the motion moved by Hon. Wilson Keter and then we shall be having a motion in addition on the re-arrangements of the membership of various committees which are in this House and lastly will be having an adjournment motion. So I believe the additional motion came in as a

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result of the motion moved by Hon. Julius Korir.

Hon Speaker: Next Order

❖ **MOTION**

THE COUNTY ASSEMBLY DO RESOLVE THAT THE COUNTY PUBLIC SERVICE BOARD AND THE COUNTY SECRETARY DO HALT PAYMENTS TO SUCH PERSONS WHO HAVE NOT BEEN LAWFULLY EMPLOYED UNTIL EMPLOYMENT OF SUCH PERSONS HAS BEEN REGULARISED

Hon. R. Serbai: Thank you Hon. Speaker and I just want to thank you for this very important time so that I can move the motion. Aware that article 10 and 32 provide for the principles and values of the public service, further aware that section 59 of the county government act provides function and powers of the county public service board as to establish and abolish offices in the county public services and to appoint persons to hold or act in the offices in the county public service including the boards of cities and urban areas within the county and to confirm appointments matters taken into account during appointment and to exercise disciplinary control over and remove persons holding or acting in those offices under part 7 of the Act, among other functions. Also aware that there are persons within the county government who have not been directly hired by the public service board and are drawing salaries; aware that such form of employment is irregular and unlawful leading the county to incur huge losses and expenditure. Therefore this County Assembly do resolve that the County Public Service Board and the County Secretary do halt payments to such persons who have not been lawfully employed until employment of such persons has been regularised.

There are a number of people employed in this County without passing through the public service board and I therefore want to request honourable members that any irregular employment and those persons drawing the salaries from the public funds are actually drawing them illegally. As you are aware that the county public service board is also mandated to hire permanent and temporary employees, there are people in the service who have a master or bachelor's degree and they are in the same job group as a form four leaver. In fact there are two persons who hold a form four certificate and are in job group 'M'S. There are also those who are holders of EACE form four certificate and are in job group 'L' with a master's degree holder. One wonders on the criteria used by the County Government to have the persons in the said job groups yet these people were not hired by the public service board as mandated under article 32 of the constitution and also section 59 of the county government act. Since the county government is paying KES 200 million per annum to these ghost workers instead of using it to improve the lives of our people and I request this House to debate the motion in few of the expenditure which was not budgeted for in 2014/2015 and I believe the same ghost workers will eat in the new financial year of 2015/2016. I urge the House to depart the motion considering the suffering of the people because of the huge loses which this county is incurring leaving in paying these ghost workers and I request honourable Ngetich to second the motion.

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Hon. J. Ngetich seconded.

Hon. Speaker: Let me now put the question; aware that article 10 and 32 provide for the principles and values of the public service, further aware that section 59 of the county government act provides function and powers of the county public service board as to establish and abolish offices in the county public services and to appoint persons to hold or act in the offices in the county public service including the boards of cities and urban areas within the county and to confirm appointments matters taken into account during appointment and to exercise disciplinary control over and remove persons holding or acting in those offices under part 7 of the Act, among other functions. Also aware that there are persons within the county government who have not been directly hired by the public service board and are drawing salaries; aware that such form of employment is irregular and unlawful leading the county to incur huge losses and expenditure. Therefore this County Assembly do resolve that the County Public Service Board and the County Secretary do halt payments to such persons who have not been lawfully employed until employment of such persons has been regularised. It is open for debate.

Hon. Speaker: Now open for debate; Hon Ngeno

Hon. B. Ng'eno: Thank very much Hon Speaker; I equally rise up to congratulate the mover of the motion for coming up with a very important motion which is touching all our areas which we are representing.

I always believe in spirit of fairness. The reason as to why the laws are in place is to ensure that fairness prevails. The Constitution is very clear and also the county government act is very clear on the procedures on which the recruitment is done. If it was not there, the nepotism could have not prevailed in the recruitment of the persons. Tribalism in areas in which it is cosmopolitan was not going to take centre stage and without law clanism was going to play the role in recruitment. Without the law the flesh was going to determine who is going to hold a given position.

It is very unfortunate that these cases are occurring in Bomet County in the presence of county government act, the constitution and in the presence of labour laws which are very clear in the terms of recruitment. The constitution is very clear in the role of county public service board and we were expecting that when the constitution was passed, creation of 47 counties were made and each county did not have a public service board but after creation of the same, after we approved the members of the county public service board, that is where we expected the public service board to implement their role or participate actively in recruitment, whether it is ranging from internship, attachments, or permanent and pensionable terms. We only recognize only one body that is one public service board. The executive lead by the governor has converted himself into a shadow public service board. There are only two bodies that are legalized to employee that is the public service board lead by Amb. Terer and the county assembly service board to do for the assembly. There are only two legal offices that engage in recruitment. I have not seen any provision giving room to the governor, or any member of the executive the power to do recruitment without engaging the county public service board. As we talk we are fighting for a budget that we are trying to increase the allocation for development but the highest budget is going for the wages. The wage bill in this county is increasing at an alarming rate.

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The wage bill is beyond forty percent. There are more positions that are lying down in the villages and they have not been indicated in the budget for the payroll in the county. The current rate of recruitment in the county shows that in the next two years it shall stand at seventy percent. That is to say part of the services shall not be delivered to the public. It's unfortunate that after the public service board was put in place there are two centres that have been created so far as long as the recruitment is concerned. One is under the office of the governor another one is the county secretary and another one is the county public service board. The strongest power lies with the office of the county secretary against the law. As we talk to day the member who are on contract terms or employed by the county government irregularly and if we continue this way we may not actually deliver what we promised the citizens. If we come to the law there is no law that permits the office of the governor to recruit the staff who will be working for his interests. I have tried to find anywhere that permits the governor but nowhere, even the president Uhuru Kenyatta cannot recruit someone in government to take care of his politics. I have not seen anyone employed to take care of the interest of honourable William Ruto. The only thing I know is in political party and we don't have any political party affairs here. It is unfortunate that today there are two names branded to the liaison officers and this are the people who are trying to gather sensitive information affecting the political future of the governor and they are in the payroll. I also want my politics to be well taken care of in the ground. I have mine taking care of my politics and not in the payroll. Do we allow this to take place as a county assembly and this are the interest of the politics of an individual? The names were changed from liaison officer to Administrative officers and senior administrative officers as from the time when the public service board wrote a letter for regularization. Every ward has a liaison officer and in my ward I have an administrative officer who was once a liaison officer in job group 'M' earning more than seventy thousand a month and their highest qualification is KCSE and yet there are other officers in Job Group M and they are degree holders. If we can go as what the TSC does, you are employed based on qualification and experience. In the county it is based on Clanism and Nepotism and someone taking care of the Governor's political ambitions. I urge the members that we handle this issue with sobriety because it affects all of us. As we talk we have enforcement officers and that is only a very light name and I term this as a militia recruited by the governor so that it will play role somewhere trying to canvas for the position. I want to say that I have never seen the role of the militia recruited in Bomet. As we talk we have shortage of nurses in our dispensaries, nursery teacher and tutors, but there is large recruitment of the recently graduated enforcement officers. As you get out you will see the men in blue everywhere. You will also rely that if you go for lunch they follow you everywhere trying to find out whom you talk with. You try to go and greet a friend you find a man in blue at the gate. You go to a bank and you find a man in blue monitoring your movements. It's unfortunate that very soon we shall cry for our security. Issue to do with security in this county government especially the count assembly...

Hon. Speaker: Honourable Ngeno may be they are assisting the government to flash out Al Shabaab. Given the nature of the security in this country.

Hon. B. Ngeno: I have never heard of Al Shabaab or cattle rustling in Bomet County. The people who were supposed to be lying within the boundary are in West Pokot or Turkana. But we do not expect

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them to be in a peaceful land. Soon they will be moving to every family to know the political stature of the governor. I am not in support of this recently graduated militia of the governor. As we talk 100 of them are to be trained on matters to do with intelligence, on I don't which budget will be used to do this. Let me end by saying this Bomet County is almost heading to the wrong direction. The office that needs to be investigated is the office of governor, the county secretary and the public service board. I was expecting honourable Serbai motion to capture that. The staffs that are recruited are based on other factors that I don't want to be captured but go there and you will find out for yourselves. The people treated as tea girls and don't have qualification but have physical qualifications are taken. Those who don't have qualifications in terms of papers, but can qualify are always given the names secretaries. If you try to check on the number of ladies working in this county vis-à-vis the men working in this county you will realize they are less.

Hon. Speaker: Enlighten us more; you better come out clear because some of us do not know.

Hon. B. Ngeno: When I say qualification I mean two forms that is physical and paper work. I hope I am communicating enough.

Hon. Speaker: Come out clearly, what is it honourable Joyce.

Hon. Joyce Korir: Let me elaborate what the honourable member is saying, you understand that if you look brown, smart and well-built you can be employed faster than the papers. I think that is what honourable Ngeno was saying.

Hon. Speaker: Honourable Ngeno has not cleared.

Hon. B. Ngeno: Let me end by saying this, I said the number of women employed in this county government are many as compared to men. I mean this motion is timely and long overdue. We expect regularization need to be done whether one is qualified or not. We are discouraging this young children going to school. It is wrong for the members to attend the fund drives for educating children and the same qualification is not recognized. If you are active in face book supporting the governor then you are sixty per cent qualified. We need to be fair for those who are not having interest in face book and are talkative and they cannot defend anybody in any public podium; let them be given jobs. I urge this county we be serious with what we are doing. Even us we need recruitment to be done in our areas and if the people I represent are not in face book and represent anybody in face book and smile to anybody then I am worried. That is why fairness needs to prevail so that everybody will get a chance to work in this county government. This county belongs to all of us. I support the motion.

Hon. Speaker: Honourable Korir.

Hon. Julius Korir: I thank honourable Serbai, for this motion for urging the public service board to halt any payment to the members who are unlawfully recruited. This would give the discipline to the County Secretary, the public service board and the governor. The promotions in this county lie in the hands of the county public service board. The County Secretary is the head of the public service board and the secretary to the county executive committee member's board. Last week I issued a statement that I enlisted my concern as the county secretary, the public service board and the director of human

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resource in the county. What I asked was the staffs that were on permanent and temporary. Two was the list of the new employees who were employed in March 2013 to June 2015. Third was the payroll and fourth was the staff that are on disciplinary measure, sacked or have left because of their own reasons. I stood not satisfied with the information I had sought in my statement. If we say we are going to stop who are we stopping we should know, so subject to my motion this would take precedence and the mover would have enough evidence of those in permanent terms and those who have been promoted then the mover would get the information. The office of the county secretary has undermined the public service board. We go to the county government acts and reprimand the county secretary and the public service board and ask them why you did not use the powers that you have to control the employment of the unnecessary staff. To refer to the subject I would like say the statement I sought on the public service was committed to a committee headed by honourable Langat for seven days. So let me urge the mover to defer the motion until we get the information from the Committee and we will move it with substantive information and the committee may come up with a report. Of late the office of the county secretary is dangerous as they are fond of recruiting and promoting somebody anyhowly without following a proper channel. So I urge that we defer the motion and we have sufficient information and we get to the root cause of the problem and we will stop these issues once and for all based on the report of the public service board showing the irregularities. Thank you.

Hon. Speaker. Honourable Siele, then honourable Lea then honourable Evaline.

Hon. P. Siele: I want to say that we want to know the list of the people who were employed by the defunct local authorities and the new employees. We also want to know the payroll and their roles, we shall be able to know where the problem lies where there is recruitment yet there is a body established to do the same. If there is anybody employed physically without documents, and we shall be able to deal with this problems once and for all.

Hon. Speaker: Honourable Evaline

Hon. E. Chepkemoi: I rise to support this motion that there is unnecessary employment. There is a possibility in this county increasing recurrent expenditure and reducing on development. It's unfortunate for the Governor that employment is done on public forum because in my areas I remember there were some who were employed on political forum without following the right procedure. Mr. Speaker, it is unfortunate that in this County, a number of old men including those who have retired are recruited. This is putting this County in an awkward position. The old men, who are no longer productive side-line the youths who are still energetic and productive. Honourable Speaker, it is also unfortunate because some are employed with fake certificates from River Road. Example is the CFO, the last CFO whom we impeached. She had fake certificates...

Hon. Speaker: Honourable Member, did you impeach? You have no powers to impeach a CFO.

Hon. E. Chepkemoi: I am sorry honourable Speaker. We removed her from office. Honourable Speaker, because the County Secretary is the one submitting these letters of employment, I want to say that let this Honourable House impeach the CS because he cannot seek advice from the Public Service Board who have powers to establish this office and abolish. Honourable Speaker, I support the motion.

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Thank you.

Hon. Speaker: Honourable Kirui and then Honourable Joyce.

Hon. L. Kirui: Thank you Honourable Speaker. I have tried to read this motion and it has occurred to me that it requires some further amendments so that it will be stronger than how the Member has put it. I am saying this, Honourable Speaker, because the issue at hand is not a simple issue. Honourable Speaker, it requires more investigations to get more evidence which we can use to take a stern action against any culprits. I am saying this because we are aware that the wage bill in this County Government is shooting up. The same wage bill has brought problems especially between the two arms of Government; the County Assembly and the Executive. Honourable Speaker, we are aware that we have not agreed on Appropriation Bill for 2015 because one of the issues is the issue of development that needs to be done in this County Assembly. Honourable Speaker, we are aware that we don't have a Toilet here. I pity the students who are here. The reason behind that is that we are trying to cut down the wage bill. But, surprisingly, if we look at the recurrent expenditure, especially the issue of paying salaries, we realize that we are paying more than 1.2 billion shillings out of the 4 billion allocated to this County. Meaning we need to be sensitive to an extent that whoever is employed should be vetted to see if that person will be of importance to this County. Honourable Speaker, some are in the payroll but if you go now, you will find them eating meat. They are not doing anything yet we are sacrificing building a toilet here because we want to pay them. That is why I am saying it requires a thorough investigation on the same because the consequences that will come are tough. The other indication Honourable Speaker is the fact that we have received petitions whereby some other people are being dismissed anyhowly. We have received complaints in this House whereby the County Attorney was just recruited in an unprocedural way and that has brought problems in the County. Honourable Speaker, I know we have a lot of problems on the same. I also pity with the employees from the defunct council. Those are the people who have all the right to be regularized so that they can feel secure as they are working in this County, but, the same people have not been regularized but we are going for other people outside yet we have an unsolved problem. Honourable Speaker, this is not a simple issue. I concur with what Honourable Korir is saying, in-fact I was seeing that the Spectral could have allowed this to be discussed in the Committee stage so that we can bring the report. I like what Honourable Korir said because already there is a Committee working on the same. Honourable Speaker, the other issue, on the side of representation, I know there is no equitable sharing of these employees. If you go to my ward Honourable Speaker, I have around 3 to 4 sub locations that do not have even a single person in this County Government. I have a sub location called Kapolesero sub-location. Honourable Speaker, it is big but nobody has been employed in that sub-location. I have one called Kapisimba sub-location; the whole sub-location does not have somebody who has been employed. Another one called Bing'wa sub-location. That is why I am talking with bitterness because if we have employed more than 500 employees in this County and there is nobody who has been picked from these sub-locations then it seems like there is something wrong with the system. Honourable Speaker, even on the side of oversight, when we do an oversight, issues done are done so unlawfully. I like what Honourable Langat has said that if we follow the law we will not clash with anybody. The

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reason why we have been clashing with everybody especially on the County Public Service Board, we were almost impeaching the three 3 people in that office, this was because the law was not followed. We were even confused as a County Assembly; we didn't know who was wrong between the County Service Board and the County Secretary. The other bitter thing Honourable Speaker is, we have the ECD assistants who were employed lawfully but up to now they are not in the payroll. But you can find someone else employed today and the following day he or she is stable. Yet these are the people supporting us by teaching our kids. When this electronic counting was done, biometric, it was only done after we passed a motion in this House resolving for them to be counted. Otherwise they would not have been counted. These are the people rightfully employed by the County Public Service Board. But you find somebody who does not pass through the Public Service Board is stable earning a lot of money. Honourable Speaker, I wonder with the CRA, I don't know what this body is doing. They are only serious on County Assemblies but when it comes to the County Executive we are not seeing anything that they are doing. They put a ceiling on this Count Assembly. I remember when we were employing our employees Honourable Speaker, there were some who were almost dismissed because they were saying we almost passed the ceiling but we had not reached even half of that number. When it comes to the Executive, in the entire Country, you find a problem. I want to urge the CRA, next time we will go to court. We want to see what these people are doing. Their work was to make sure we have enough money for development. This money cannot only come from the County Assembly, after-all more money is with the Executive but they're following the little money in the Assemblies trying to bring some ceiling. Why don't they seal the other side because that is where the loophole is? Honourable Speaker, I may not be satisfied with the resolution of this motion. I wanted a stronger resolution than this one here. The reason I am saying this is that we cannot say we are paying somebody and the problem is not for that somebody, the problem is the County Public Service Board. Even you have been employed unlawfully, you can be employed but we need the culprit.

Hon. Speaker: Honourable Joyce then Honourable Chepkwony John.

Hon. Joyce Korir: Thank you Honourable Speaker for this opportunity brought by Honourable Serbai. Honourable Speaker, indeed it is shocking that today we are discussing on the messes done by these County Government of Bomet. Honourable Speaker, before the start of the Counties, we had the Constitution in place, we have the County Government act, and we have the relevant bodies that are supposed to deal with the issue of recruitment and employment of the workers between the two Governments. Honourable Speaker, though every County is distinct, there are a number of issues that attach the issue of employment in the County Government and in the National Government. That is why there is a body given power to do the employment, to do the structuring, to do the firing, abolishing and even establishment of office. It is shocking that, as we speak, not even a single Member of this House can tell the number of employees that we have in this County Government. As we speak Honourable Speaker, before we make a budget, we must know who is where. This is the basis that enables us to do proper budgeting. As we speak today, the able Chair of the Labour Committee has been writing a number of letters to the relevant offices trying to be furnished with the information that Honourable Korir has been asking for. But, shockingly, a letter has been written back telling the Chair

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that they are overstepping the mandates of those offices. Honourable Speaker, I really don't understand why we are in this House. Honourable Speaker, why we have Committees in the Assembly. As we speak, this Assembly and every other Committee that has been formed is equivalent to the High Court; they can summon the CEC's, they can deliberate on a number of issues, they can deal with a number of malpractices that are happening in this County Government. It is shocking when an able Chair of a Committee writes to a CS to furnish them with information and they are given back a letter being told they are overstepping their mandate. I wonder the kind of CEO heading that County. I wonder the kind of officers manning that office. Honourable Speaker, we were here before those offices were established. The CS was approved by this House. The Public Service Board was approved by this House. The CEC's were approved by this House purposely for the intended structures that are in the Constitution and in the County Government act. Honourable Speaker, it is coming from the Members of the Public that we have a number of irregular employees who have never been regularized. When we came to this County Government, we had a number of officers who were already in-place through the back-doors. Whenever an advertisement is made, they are given priority for employment or they never bother because they came through the back-doors. They are now causing chaos, taking the County to Court; like the County Attorney who is now in Court yet he is the legal advisor who should have been regularized. The Chair Labour and this House has been trying to put things in-order. Remember, the Security Officers who have been employed were never part of the Public Service Board. Honourable Speaker, the House resolved that it should stop. Unfortunately, the CEO, who happens to be the Governor, continued the process and the Public Service Board moved aside. The said Public Service Board has now taken the advantage of saying that some offices are overstepping their mandates without making a written communication to this House. The two offices, the offices of the CS headed by the Governor and the office of the Public Service Board, together, have been colluding and are making irregular employments in this County Government. The Public Service Board has a number of people employed temporarily and have been serving for the last 2 years, earning a lot of money and they have not written any letter. The issues raised by Honourable Korir should form part of this motion. The reason I am requesting that is because it has a lot of weight. Some of the Members may be having the list of the employees employed temporarily, but unless all the documents requested by Honourable Korir are attached, Honourable Speaker, I request that we postpone this motion to pave way for the attachment of the documents. Honourable Speaker, the CEO, Honourable Isaac Rutto has been going to a number of functions, and remember we were in a function with Honourable Evaline, and this can become a primary evidence that we were in a certain function, and after politicking, the CEO of this County called that person and said I am going to employ you because Joyce and Evaline can never employ you. Right now he has been employed. Honourable Speaker, the things in this County have been in a mess. A number of Members in this House have information pertaining to that; we have the list of the temporary employees, we have the list of the Radio callers, we have the list the theme of praise and worship team of Isaac Rutto...

Hon. Speaker: Honourable Joyce, with all due respect, I don't see any problem if you can be a radio caller. Even if you can sing well, there is no problem not unless you can convince the House the relationship between singing and calling the radio with what we are talking about here.

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Hon. Joyce Korir: Honourable Speaker, the Speaker normally doesn't have eyes or ears but it seems today you are catching all the wordings Honourable Speaker.

Hon. Speaker: Yes. Because of Standing Order number 1. This gives me the power. Proceed.

Hon. Joyce Korir: Honourable Speaker, we have a number of issues. Remember we also have the issue of the flower guards, the issue of the radio callers, the issue of the praise and worship team and we also have the militia...

Hon. Speaker: How does it relate to the motion because that is critical? I will not allow you to engage in areas not related to the motion.

Hon. Joyce Korir: Honourable Speaker, the issues I am raising; the praise and worship team earns money from this County Government having been employed through the back-doors. You also understand the ruling made by this House concerning security. You also understand the issue of the flower guards which have never passed through the relevant bodies. You also understand that all these problems have not passed through the legal office and the legal body Honourable Speaker.

Hon. Speaker: Honourable Joyce, my problem is, flower guards, how does it relate to the motion? Is there anything wrong for somebody to go and sing? You are talking about militia, even you yourself you may have one, does it relate to the motion?

Hon. Joyce Korir: Honourable Speaker, you can give me room I speak of these issues three days non-stop. Unless you confirm to me that I start from now explaining one by one for three consecutive days, then...

Hon. Speaker: I know you are capable, but why don't you condense it into three minutes. Proceed Honourable Member.

Hon. Joyce Korir: Honourable Speaker, the reason I am bringing it into three minutes is by informing you about the flower guards, the militia, the praise and worship team and the radio callers who have been drawing Public funds from the County without passing through the legal procedures. If you want me to list them, I can list them one by one for three consecutive days. Honourable Speaker, we request the putting of this motion, as per the request of Honourable Korir, that the Chair Labour should insist by requesting and even summon the relevant office to furnish us with the issues Korir raised so that you can put this question and make these people pay back misused funds. Thank you.

Hon. Joyce Korir: Honourable John Chepkwony.

Hon. J. Chepkwony: Thank you Mr Speaker. I also rise so that I can make contribution based on understanding of the motion of the day. This is critical and an intervention needs to be undertaken. Mentioning of the recruitment of the employees, basing on the new Constitution, there is, obviously, 47 Counties and one National Government. It is known that the National Government employees are employed by the National Public Service Board. Down here we have the Public Service Board that is the mandated body to employ. It has authority to employ, to discipline and sack. Two years down the line, it is embarrassing and it's a mess if the body is unable to work. My blame is on the County Public

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Service Board for being toothless. They have never raised any alarm that a foreign body is stepping on their job. The 7 should have stamped their authority enough and other bodies, apart from the County Government, could have checked and reinforced their authority Mr Speaker. We have been raising a lot of complaints on the same body Mr Speaker that there is no equitable sharing of Human Resource and this could be realized if the Board does shortlisting based on: locations, and sub-locations existing within the borders of this County, Mr Speaker. There is a big danger if this intervening will fail Mr Speaker. There is the employment of the Youths and Persons with disabilities that is not being exercised. There is another body which was given authority to hand over the employees of the defunct Local Authority through secondment of the County Assembly. That one is the Transitional Authority Mr Speaker, the TA. The TA was to handle the employees of the defunct Local Authority and they were to recruit the employees on secondment. This one is in question Mr Speaker where the same employees handed over to this County Government are remaining in the payroll of the National Assembly or the County Assembly Mr Speaker, given that they existed before the existence of the County Governments Mr Speaker.

Hon. Speaker: What is it Honourable Joyce?

Hon. Joyce Korir: I want to bring a point of correction to Honourable John Chepkwony that the TA was never an employment body. It was just to assist the transition from the National Government to the County Government.

Hon. J. Chepkwony: Thank you Mr Speaker. I thank my colleague for the correction made. There is a problem in the same. Since we are talking of fairness, the employees handed over to the County Government; some were never employed by the Legal County Public Service Board Mr Speaker. The Board had no say over them because they were handed while they were in the job groups given by the National Public Service Board. It is unfair for a KJSC, CPE or KCPE holder to earn more than a degree holder. And as it is, Mr Speaker, the County Government cannot have any say because the existing labour laws in this Country say that a person cannot be allowed to reverse a job group but instead the gear usually goes ahead. That is the big challenge that we have. I agree with what Honourable Korir mentioned, that this could be reversed so that other details are sought and other forms of harmonization be realized later so that we come to a fair conclusion. Thank you Mr Speaker.

Hon. Speaker: What is your point of information Honourable Kirui?

Hon. L. Kirui: On the same note, I wish this House could be informed whether the cancellation that has taking place in the recruitment process is also guaranteeing loss of funds in the County. Recently we have cancelled a process meant for recruitment of Health Officers. We also cancelled another one for Chief Officers and another one for Drivers. In all this Honourable Speaker, in my own understanding, I think Public Money is being used yet the process is being cancelled thereafter meaning there is misuse of funds. This should go hand-in-hand with this motion.

Hon. Speaker: Thank you. Honourable Langat and then I give the mover to make his reply.

Hon. R. Langat: Thank you very much Mr Speaker. The prayer of this motion is to stop payment to

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these people. Mr Speaker, it is said that fruits of a poisonous tree are poisonous. Therefore if a process is wrong, the result of the process is wrong and should not be in that position. Mr Speaker, the processes that have been used in this County Government have not been right. The County Public Service Board has written a letter to the Executive to effect that anybody who did not pass through their hands are supposed to be stopped. This motion is a reinforcement of that letter. Mr Speaker, if we can allow this motion to be interrupted so that we collect all the information so that we can make a very informed decision. When we say we are supposed to stop payment of these people. Who are these people? We have to be specific. We cannot just issue a blanket rule that all these people are supposed to be relieved. Mr Speaker, whoever did not pass through the right process is whom we are targeting. We know that we have staffs from the former Local Authority who have been side-lined. We have to be correct in what we are doing. Let us not talk about rumours. We have to be dealing with facts. We should table documents. We wrote a letter as a Committee on Labour to the CS to give us a bio data of all the employees but unfortunately, he said we have overstepped the mandate of the Executive. They are quoting section 8 and 9 of the County Government Act which is telling us about our role and our role is about oversight and when we want information, it is because of oversight. We are not witch hunting anybody. We just want to analyse that what has been done is right. If we employ those that know people, who will employ those ones that do not know people? Mr Speaker, we want to know people by papers. In the County Government Act, it says the first qualification is the academic credentials then others like regional balancing. Honourable Kirui was talking about some sub-locations, those sub-locations could be having people who are qualified but no one has given them an opportunity. Let us accompany our arguments with documents that act as proof. When we were asking for the bio data, we wanted to see the one-third rule of Gender, the disabled and other communities who are not from Bomet. Mr Speaker, those things are not forthcoming and we should make a ruling. Thank you.

Hon. Speaker: Thank you. What is your information Honourable Ngeno?

Hon. B. Ngeno: Mr Speaker, I like the statement put across by the Chair of the Public Service. In article 125 and article 195 of the Constitution which I would like to read is; ‘...that either the House of Parliament and any of its Committees have powers to summon any person to appear before it for the purpose of giving evidence or providing information’. Sub-article two Mr Speaker states ‘...that for the purpose of clause one, a House of Parliament or any of its Committees has same powers like that of the High Court’. Mr Speaker, article 195 talks about that the County Assembly or any of its Committees has powers to summon any person to appear before it for the purpose of giving evidence or providing information. Article 195, sub-article 2B says that, ‘...for the purpose of clause 1, the County Assembly has same powers as the High Court to compel the production of documents’. Mr Speaker, I want to be very clear on this, we are not overstepping our mandate when we ask anybody to produce a relevant document to this House. The CS is acting is acting on various contravention of the Constitution and the Constitution is the mother of all the Acts. Mr Speaker, it is the CS overstepping their mandate when trying to play oversight over the Assembly yet it is not provided for in the Assembly. Mr Speaker, I want to withdraw the statement I made earlier that we support this motion. I have seen sensed that the

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motion requires some additional flesh so that it becomes strong. I request the Honourable Member, if possible, he withdraws then another time for debate is slotted so that more information shall be incorporated and investigations carried out in the office of the CS and whether there is an external body interfering with the work of the Public Service Board. Thank you.

Hon. Speaker: What is it Honourable Kirui?

Hon. L. Kirui: I just want to correct Honourable Ngeno so that it will not bring confusion. The motion should not be withdrawn but deferred because we know the implication of withdrawing.

Hon. Speaker: Honourable Members, I had given Honourable Langat and then the mover. I know everybody wants to contribute but because of time, I have seen Honourable Molel and the Leader of Majority. I can give two minutes to each and also to Honourable Samson. Honourable Molel, Honourable Majority and then Honourable Samson. Then the mover.

Hon. J. Molel: Thank you Mr Speaker. I rise to support the motion but all the same Mr Speaker, much has been said and the motion is almost exhausted. Mr Speaker, I was shocked to learn from Honourable Leonard Kirui that he is also being discriminated despite the fact that the big man comes from around that area.

Hon. Speaker: What is your point of order Honourable Chepkwony?

Hon. J. Chepkwony: Mr Speaker is it in order for the Member contributing to term the place the Governor is coming from like this especially in terms delicate like this.

Hon. Speaker: I thought he said a place. Where do you have a problem?

Hon. J. Chepkwony: I have a problem because that is a discriminating word to use since the place the CEO is coming from is not suffering from the issues we are discussing Mr. Speaker.

Hon. J. Molel: Thank you Mr Speaker. I don't think I have mentioned anybody's name Mr Speaker. If Honourable Chepkwony is able to read people's minds then I want to thank him but I was not on that direction. Mr Speaker, there was a reason the Constitution was put in place. Mr Speaker, where we have problem is the Executive who doesn't want to follow the law. Mr Speaker, I want to remind this House that it is up to us that we stamp the authority to see to it that the Constitution and the set rules are followed. Mr Speaker, if we are going to this direction where everybody is coming with his friend, is employing his relative, is employing his in-laws then we are lost. Mr Speaker, I want to suggest that the other time we tried to sort the problem but the public service board survived the axe. But to date the same problem is persisting. We are now pointing a finger on the three offices Mr Speaker but we do not know where the problem is. I want to request that we investigate if we want to solve the problem since we have been having the problem since the county government came in place. I suggest that if we want to make this flowing river dry completely we do not need to block down the valley we need to find the source and block. Thank you Mr. Speaker.

Hon. Speaker: Honourable majority.

Hon. J. Kirui: Thank you very much Mr Speaker for this opportunity. I know much has been said but I

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also wish to really request that this motion be deferred because of the weighty nature of issues that has been raised. I was scanning through the document and I found it is urging the public service board and the county secretary to halt any payment for any person who has been recruited illegally until such a time they are regularized. Honourable Speaker, I have a problem with the motion because to halt payment for people unlawfully recruited until they are regularized is an illegality. In the first place because if somebody has not been lawfully recruited, I do not see any reason to regularize such a person honourable Speaker. We are here for the justice and the welfare of the society and in this county people should not be recruited on the basis of who knows who but on the basis of who knows what. Honourable Speaker, honourable Reuben Langat alluded that there are complaints and what I understood is that the CS has not been cooperating with the committee and this House has power to summon anybody. The time for impunity is no more Mr Speaker and a time to hire relatives. I think we need to crack the whip. Recent shortlisting of nurses caused an outcry and the county public service board cancelled the short listing through newspaper and it caused a lot of trauma to those who had been shortlisted and also those who had not been shortlisted as they had been told those with two year relevant experience and you find in the list there were those with nine months and that was a glaring problem emanating from the service board and public funds were used to advertise and cancel and so who is going to meet the cost? The public service has put the county in a quack mire and that is why I join my colleagues in calling for the deferment of this motion so that other issues can be brought in. It is also on record and there are numerous complaints that there are people who purport to be working in at the stadium and they are ghost worker. The real people and we do not want people who are not working in the office of the county secretary to take away money. As I close I want so say that means there is a disconnect between the CS and the service board but I think either of the offices has to be investigated because they are colluding to defraud the public or one of them is dysfunctional. It is my humble wish that for the county CS himself, the buck will stop in his table. Thank you.

Hon. Speaker: Honourable Samson.

Hon. S. Towett: Thank you very much. I think a lot has been said and I know I will not take long. I just wanted to say there is saying which goes if wishes were horse beggar could ride them. Why I am saying that? This is because at a certain point in time, this House had set up a committee to investigate public service, this House committee took time and resolved with two recommendation that key holders be fired and there were going to be further investigation on how the CS was interfering but unfortunately this House in its own wisdom or lack of it decided to vote against the recommendation honourable Speaker, and I remember saying that we will regret the decision that we had made and I am seeing it happening to us now. We are learning and we need to correct what we did so that it does not come back to haunt us. The motion is good and unlike how honourable Langat said that there is some few flesh. I want to say that the buck stops with the public service because they are mandated with hiring in the county including the casuals as provided for in section 74 where it talks of employment being regulated by the county public service. If I had time I was supposed to refer. The county secretary or the CEO of this county does not have power to recruit anybody without going through the county public service board. It is either the public service board has forfeited its power or they do not

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know the law in place to enable them perform their duties without interference. That office should be independent and honourable Speaker we have a number of officers like the liaison and they have never been regularized and other offices like BOCADA which have not passed through this House and the water company which has directors and the law provides that the directors must be vetted by this House. On the law enforcement officers before the employment we rose and said that the offices must be established formally and that we did not oppose the recruitment but the law was be followed and what is going on now even the public board is aware that they are there but they did not follow the law. Lastly on regularization, I do not think that it is about confirming those who are there but it is re-advertising and following the due process. With those few remarks, I join the members in calling for deferring and if the mover does not mind we should. We do not just say there are those who are being paid and we do not have the exact numbers and where they have been working and I want to request that we would want to really place the blame where it is and stop irregularities. Thank you.

Hon. Speaker: I think the last person will be honourable Chelule then I give the over.

Hon. S. Chelule: I also stand to support this motion but before we defer the mover should bring the name of those who are working against the laws so that when we are debating we have their names. I know if everybody who was elected drives the county on his own style then we will be lost. We must stick to the law. Even the CEO who has been jumping must stick to the law so that we deliver the services to the people who elected us.

Hon. Speaker: Honourable Serbai.

Hon. R. Serbai: Thank you, I just want to thank all members for actively participating in the motion and contributing positively to the motion but as request by the majority I understand what they are saying so. This motion has provoked the minds of the members to an extend to have contributing soundly and they know that these things are happening and they only need documents and as said by the chair of labour and public service, honourable Langat that he has written a letter to CS and is waiting for documents that will assist this motion to go through. I also want to say that the member seems to be aware of what is happening. Speaker, I also want to thank the other members who talked of Liaison officers who changed to administrative officers but I want to rely so much on information about documents that will assist the House to table the names. I just do not want to exhaust what the chair has; I just want to say I have a list of those who are earning, their names, job group, qualification and their IDs. I have two hundred names but Mr. Speaker since I do not want to go against the grain, I request through your chair that you allow me to defer so that we discuss next time. Thank you.

Hon. Speaker: Honourable members there have been serious debate and I think first before putting the question, within our standing orders, it can be deferred. There are clarifications I want to make, I wish honourable Joyce was here, but I can still state that I can still make deliberation on what she asked and what honourable Kirui and Ngeno raised. These issues are fundamental; the issues are related to what honourable Langat will update us on tomorrow afternoon. Remember Langat said he received a letter from the CS saying the assembly has overstepped its mandate. It is either the CS is not consulting the legal team from the executive or the legal team is giving wrong advice because this has been a trend for

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some time. He quoted section 8 and 9. Section 8(1)(b) talks about the roles of the county assembly under article 185. Sub section 8(1) (c) talks about the budget and I said whatever we were asking through the committee relates to that and also he forgot about section 8(1) (f) which give powers to the county assembly. I like what honourable Ngeno has raised. Reading through the constitution article 195 and article 125, if you combine both it can be able to give mandate to the county assembly and article 183(3) is worded in a very mandatory terms that the Executive shall give full and regular reports to the Assembly. Article 185() is giving powers to exercise oversight and in my own opinion the executive is not understanding or someone is trying to be mischievous, why should you struggle and yet you have all the powers. All you need to do is to give an invitation as per article 125 to the CEC and now he has said article 8 and 9 is alleging that we have overstepped. Just disregard that and summon him because if he refuse that article is clear and inform him the documents that he need to bring and if he refuses then already you have the power like high court just do your work. Just summon and if he refuses the next thing is to be compelled by the high court and I think the court will serve as a lesson those have been trying to undermine the assembly. Those who are saying we have overstepped are entitled to go to court so that the court can interpret. On the other issue on deferring the motion, I think the motion is very critical and as honourable Langat is going to update us on the progress whether the county public service board are also holding the same position because I assume the county secretary is talking on behalf of his office as well as the director of human resource. Because the question was directed to their offices. If that is case we will be able to know the direction and therefore I allow the deferment of putting the question until a time the House business will decide time and date. When that day comes I will allow a little debate based on the document and then the mover. The deferment is guaranteed. Thank you next order

motion

Hon. Speaker: Honourable members you remember this motion number nine had been deferred based on pertinent issues that had been raised and I had said many members were seeking time to do research, I will allow a few to make remarks thereafter we will move forward from that direction. So if there is no contribution, honourable Kirui.

Hon. L. Kirui: Thank you honourable Speaker, I think I had not gotten time to contribute during that time but I want to register my dissatisfaction with the memorandum that we received from the governor. In the fact honourable Speaker, we are all aware that we passed the budget estimates indicating the allocations that will be meant for equalization. Surprisingly on the memorandum it only captures the springs, it only captures youth and roads with only KES 19 million and it was honourable Speaker...I do not know the kind of words I can use on the issues of roads it was even better to leave it at all than to put in the memorandum; it shows lack of seriousness that the concerned person is having. If we are being given KES 19 million assurance honourable Speaker, if you divide the nineteen million I think every ward will be having though I may not be good in maths I think it is just KES 700, 000. If you are given that money you may not be able to discharge enough the duties and pledges that we made to the public. I do not know how many kilometres will be graded with the amount. So I can say that this is the main thing that made me to feel like the memorandum shows lack of seriousness when it comes

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to development. It is very clear we are breaking that based on the ruling made by Justice Lenaola. It is very clear that we should not diverge from the budget estimates. With me it seems we are changing the whole process and creating another and I want to say something should be done on that. The hat that you have signifies wisdom that we want. With me I want to say that in my own opinion without condition allocation there will be no budget meaning honourable Speaker, because the conditional allocation are not there, I want to declare that in my own capacity the issue of condition allocation is captured the way we did. Honourable Speaker we were very careful with the appropriation bill, in fact I am the one who brought an amendment that a small section should be added. It was a clause that we added but if that was not respected I want to say I will not support this. The conditional allocation was very clear on how it should be implemented. Otherwise I want to say I cannot support this memorandum. Thank you.

Hon. Speaker: Honourable Korir

Hon. Julius Korir: Thank you Speaker for allowing me this opportunity, I am grateful because you used your powers since I contributed on the last debate in this motion. Honourable Speaker I am in concurrence with what honourable Kirui has said that despite the fact that the memorandum was signed by the Governor of this county, he portrayed a lot of ignorance and incompetence, on the procedures of assenting to a bill. I remember in the last government; the governor of this county was being praised day in day out in the last parliament for being vibrant. He was strong in amending motions but he was not able to come up with any bill or motion and that is why I am saying he was indeed incompetent and he has proved still he is incompetent when it comes to issue of bills in the county. The memorandum that the governor gave this House was talking about submitted budget estimates. That means what the executive for finance submitted to this House before April 30 is the same that the governor is using to raise concerns through the memo. Submitted estimates were subjected through the budget and appropriation committee, they went through it and interviewed the CEC and every department was involved and the final estimates were brought and approved but the House. If we go by the memorandum it is like saying all the process right from the fiscal strategy paper to the approved budget estimates is misleading and we are on record being the only county in the commonwealth that was able to pass two appropriation bills in a financial year. We are trying to disapprove what the court ruled. The laws says two third of members can either reject or adopt the report of the committee. That could be seen as a quagmire. Using the discretion that you have you better save the situation. You remember the ruling by the High Court was blaming more than two institutions that were concerned in coming up with the appropriation acts. It blamed the finance CEC and it also blamed the office of the clerk, it blamed the office or the assembly and the controller of budget and even the controller is conversant with what is happening and we do not want to be in that situation again honourable Speaker. I still insist that there is a lot of incompetence in the office of the executive led by the governor that is why they even realised that section 24 (5) which need two third of the members to be present and being witty or may I say that he realized what he may do to destroy the two third of the members and he had to use his soldiers or those who will do whatever that he says. I booked a hotel in Naivasha. You know Kongoni hotel goes for not less than 15, 000 a night and he booked hotel for not less than nine

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members in Naivasha just to kill the quorum so that section 24 will not be used honourable Speaker, so they say you can fool somebody sometime but not everybody all the time. If he thinks he is brave enough then the law can be applied, I want to request through your chair that you rule that the memorandum is unlawful; and number two; what the honourable nominated members are doing in Naivasha should be made open. And they have even neglected their families, their children and more so honourable Speaker most of them even have young children but they are currently enjoying themselves. So with your powers given that they might have succeeded in some evil skills that they do not want to see the country prosper. They do not want to see the conditional allocation for the first time, honourable Speaker you still have discretion and powers so that he is subjected to come up with correct one. I think the memorandum should be made up of the appropriation because it is talking about the bill not the budget estimates as is the case. With those few remarks we know you can still and we still have hope that we can save the situation for the first time and make residents smiles that indeed they have started to enjoy the fruits of devolution. We have been talking about the public service, the recurrent expenditure has proved to have been high than development and we can still make our people smile. Thank you.

Hon. Speaker: Honourable Ngetich then honourable Samson.

Hon J. Ngetich: Thank you very much honourable Speaker, for allowing me to contribute towards this motion basing on the memorandum by the governor. Mr Speaker first of all, the memo itself is flawed and unlawful. It does not require any deliberation from the members. Mr Speaker our governor raised a lot of issues in the memorandum but all does not conform to the budget estimates and that makes me not to agree Mr Speaker. As you are aware he is allowed to give memo on budget estimates and he did not do that. Finally as I sit I want to be on record that I am not part of those taking this county to the grave and those who want to break the law. Thank you very much Mr Speaker.

Hon. Speaker: Honourable Samson:

Hon. S. Towett: Thank you Mr Speaker, we know when a budget process starts we know there are steps that need to be taken and the last step is approving the budget and appropriation bill and after that governor has an option to assent or refer it with a memorandum and this is what he has done and I want to say the way the memo has been done and brought to the House has broken a number of procedures which need to be followed and the content that was supposed to be presented has been altered. One we believe the governor ought to have relied on the approved budget when coming up with the memo. But the memorandum lacks a lot. The local revenue that we approved was supposed to be up to KES 230 million but the memorandum has raised the local revenue from 230 to 260. Number two if you look at it there are new votes which include the one for loans and mortgage for members of staff. We are not saying the staff should not get the loans but we are saying if the budget process has been concluded then there are other means of introducing votes and that is through the supplementary. When I look at the total budget it is coming up to KES 4.9 billion but the one which was surrendered has raised the sum total to a tune of KES 5.1 billion. If there is a variation that will move the sum totally it is not at this point and then we have to move funds which were not captured and appropriated then we need to

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re-appropriate and I believe it is only through the supplementary budget. Worst of all is when the governor reduces the allocation to this assembly. Though the assembly has an arm like the county public service board and anything that affects the assembly must first be referred to the board so that they deliberate on and make resolution and unfortunately when the memo was being made no reference was made to the board. And whatever the recommendation the CRA had made and the senate deliberated and in their wisdom they decide to vote for a figure to come to the assembly which is KES 489 million and I know it is already an Act and I know anything which is already an Act is law and the executive have no option but to respect the decision that has been passed. My colleague honourable Korir talked about section 24 of County Government Act which talks of assenting the bill. It tells clearly the 14 days that the governor has to assent to the bill if in any case he thinks he cannot assent due to one or two reason he writes back giving reason and we have authority to accept that memorandum, part of it is or to reject the memo in totality and at the point the Governor has some period to choose to assent to. Not even the constitution sets limits for the assembly. But we should consider the interest of our people and not our selfish interest at all times. My understanding at this point in time is not clear on why some members are not here at his crucial time. They have not made a formal communication and to tell us what is it that they are doing in Naivasha. If there is some workshop on women why is it that there are other women MCAs in the session? If there was a training for nominated members why are there other nominated members does it mean they were not given the information? The leadership of the assembly is not aware of their intention to be away. Where did they get the permission to be away when the plenary is going on? It should be looked at to ensure that the MCAs are held accountable for their action and before our colleagues left this County, there should have been a letter send to this County assembly notifying of the intended meeting, where and when to be done and how was that meeting going to be financed. As you also make a ruling, let us see how this memorandum came to this House. Is it really respecting the Appropriation Bill that this House passed? Is it really in line with the budget process that has been laid down clearly? To me this memorandum is really breaching the law and should not be dispensed with, thank you.

Hon. Speaker: Honourable Leah.

Hon. L. Chepkirui: Thank you for this chance, I stand to reject the memorandum and I want to say that the memorandum should be returned.

Gone are the days when our voters have been misused to sing every now and then about *Pesa Mashinani* while of course *Pesa Mashinani* is being given to some individuals. I am saying this because I am bitter when we find that our people were used to prepare the work plan for their wards meaning that there were projects that were supposed to be completed in some years.

I want to specifically say that in Mutarakwa we held a meeting several times with our voters cheating them that there were some projects to be done in the first year, second year and up to now about two budgets have been done and there is nothing which has been done following the CIDP. I want to say the memorandum doesn't match with the budget estimates; the Memorandum doesn't have conditional allocation and I wonder what is the purpose that this memorandum coming to this House again.

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I want to register my concerns about the nominated MCAs who are trying to paralyze this County Assembly. I totally reject the memorandum as an MCA representing Mutarakwa ward, thank you.

Hon. Speaker: Honourable Serbai.

Hon. R. Serbai: I want to say that I am challenging the legality of the memorandum which is in the floor of this House. I thought the figures in that memorandum were supposed to be revolving with the figures that are in the budget estimates.

If you can see this particular memorandum; because first we have the Fiscal Strategy Paper, Annual Development Plan, Budget Estimates and we also have the Appropriation Bill. If you look at this particular memorandum, it rebels against the three documents; Fiscal Strategy Paper, Annual Development Plan, Budget Estimates and we also have the Appropriation Bill.

As also mentioned by hon. Towett that the sub total of the first budget estimates was something like KES 4.9 billion and the memorandum is now talking about KES 5.1 billion which means there is an increase of KES 200 million.

As per the PFM Act the KES 200 million should have come after two months because it says that once the budget has been approved then it will also take at least 2 months so that you can make an amendment.

The ruling by Justice Lenaola seemed not to have disciplined some of the members of this House. One was the former Chair of Budget and Appropriation Committee that she signed a document while she was on the hospital bed and that is why we were on the limelight nationally for having done a bad budget. The same former chair is outside Bomet County with an aim of sabotaging this budget without writing to you where she was going.

When they say whenever they are hiding they are telling us that they are in a meeting. I have never seen an institution whereby an individual is being invited and when you are invited as an individual you go on your own and you don't go as an Assembly. The Clerk of this County Assembly was supposed to have approved that invitation.

You were also supposed to know where these members were going. It was only this morning when we were saying that some of the members of this House are not there yet you are not aware.

These same members; the nine nominated MCAs are earning their salaries from this County Assembly and they are earning because they are needed to serve this County.

We have the youth and they are represented in this House, where is their representation and we have a very important document that we are discussing of which the representative of the youth are supposed to be here so that they can also champion the interests of the youths.

The women representatives were also supposed to be here to enable them to champion the interests of the women.

The reason why there was a third gender rule was to make a representation even better, where is that

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one third gender rule? Have they been expelled from this House? Are they strangers in this House? They were supposed to be in this House. If they are saying they were invited as also mentioned by my colleagues, we have four honourable members who also ladies.

We have hon. Wilson Keter representing persons with disabilities, does it mean Hon. Hellen Chepkirui is more disable than hon. Wilson Keter? We should not be cheated by these nominated MCAs and the party should take a stern action against these MCAs. We are not only saying that because even the constitution is not biased. We have the two members who were also elected by the people and they are in this House. I understand they are just in the corridors and I don't know whether we have another parliament in the corridors yet they are always ready when they are called by the big man to go to the Brevan hotel where the cabbages are they are the first ones to go there and because cabbages are not available here they cannot come.

The members of the public should now that who are the enemies of development of this County save for those members who went abroad; hon. Robert Bett, Hon. Stephen Chang'morik and hon. Robert Metet. We understand they are in America, what about the honourable member from Mogogosiek and Sigor? They were elected by the people and what are they doing? Through your OWN Chair something must be done. We cannot paralyze the House Business just because of the members who are busy eating githeri out of this County Assembly. Were they elected so that they me and eat githeri so that they can be paid for eating githeri? They are paid so as to render legislative services to the people of Bomet.

It is a pity if you cannot stand as a man with a principled mind that you can decide on your own and you decide on behalf of your own people and you leave one person who is somewhere to control your mind. It is a big pity and it is so painful that we have the members of that character in this House. It is a great shame that some of the members who are absent in this House when they talk they have a very big mouth that they don't even need the microphone to amplify their voices. Today they are coiling their tails between their legs and they are not in this House, what are they doing?

Hon. Speaker: As far as I am concerned honourable Serbai I have never seen any member of this House having a tail and I wonder where you are getting it today.

Hon. R. Serbai: I was only giving that as an example because if you have a dog and this dog is afraid of someone then that dog tends to coil its tail between its legs and I was giving an example

Hon. Speaker: I was almost getting shocked that even though the Speaker doesn't have eyes to see, I can confirm to you that no member has a tail.

Hon. R. Serbai: It is also very surprising to know that you really have the eyes and you used not to have them.

Hon. Speaker: What is it hon. John?

Hon. J. Chepkwony: It is just information that in the oral literature that we learned there were metaphors and personification which should also be accepted as part of the speech in this House.

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Hon. Speaker: But he was demonstrating in such a way that some members of this House have tails. Honourable Joyce.

Hon. Joyce Korir: Indeed it is a very sad afternoon that we are morning why we are here today minus 11 members of this House who have disappeared mysteriously.

As we speak today a number of honourable men of this House have spoken and I must go down in record in congratulating the four elected women of this House for standing firm to represent the respective areas that they were elected from.

I must congratulate hon. Cecilia Towett from Nyongores ward, hon. Evaline Langat from Chesoen, hon. Leah Chepkoech from Mutarakwa ward for standing between the County Government and the electorate who send them to this House.

It is so unfortunate that we are elected and we have some members who have been nominated with special interests to serve in this House who doesn't have a stand during my time. I feel that I am disappointed and being a lady a number of people would be wondering why women are not supporting one another but for this time I want to remain in record that there is no need of nominating women to behave as if they are serving the gender issue yet when it comes to deliberating on a number of issues we have what we call responsive gender budgeting which they are supposed to be taking care but as speak today it is shocking that they are just hiding because of a memo which we can stand and say I don't support. It is useless and meaningless to have such kind of leaders in this country.

I am privileged to have gotten through the internet, we have a friend called Isaac Ruto who happened to be a member of parliament for Chepalungu constituency and he went to parliament two terms and as I was going through that site where I wanted to know what this man used to do when he was in parliament. I got a number of issues that he used to articulate when he was in the National Parliament and today he is my governor and he wants to ruin the County Assembly of Bomet.

In 2014/2015, last year when he was the governor of this County Government, the National Government through an Appropriation bill of 2014/2015 Bills no. 204 gave the Assembly KES 3,129,000,000 for capital expenditure for parliamentary services. Remember as we Speaker today we have 48 governments; 47 County Governments and one National Government and each and every government are distinct to mean Bomet County is distinct from any other County Government and the County Government is a replica of National Government.

As we speak we have two arms; the Executive and the Legislature and the budget of the Assembly in every County Government as per the PFM Act is supposed to be made by the Clerk of that County Assembly in consultation with the County Assembly Service Board and committees. It is only given to the Executive for scrutiny, otherwise the budget for a County Assembly is made by the Assembly but I want to thank God because this time round we have some commissions. We have the Senate which went further to give ceilings where this Assembly obeyed.

I will not forget to mention the Office of the Controller of Budget who went ahead to write a letter to this County Assembly stating clearly on the importance of development money in Assembly Vote.

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These are not the things that we are talking through hearsays,

Hon. Speaker: You still have 30 seconds.

Hon. Joyce Korir: I am very sorry you are giving me a very limited time yet I have a number of issues that I want to say.

As we are talking we have stuck to our ceilings and we have a letter to that effect and through some good politics they have gone round talking of a House of the Speaker to a tune of KES 113 million yet we stated clearly that the County Assembly debating chambers that we have right now was a dormitory for St. Michaels secondary school.

As we are speaking now there are County Assemblies which have constructed their County Assembly debating chambers, offices, the staff residences and we are entitled to this development money in the County Assembly.

When our governor was a Member of Parliament representing Chepalungu constituency in 2012/2013 budget, the money that the governor for this County Government was seconding was KES 2,890,000,000 for development expenditure and general administration and planning in the National Assembly. The seconder was Isaac Ruto.

I wonder today he is trying to step on the mandate of hon. Joyce, a tiny woman who is trying to exercise the role that I am given by the County Government Act by trying to poke his nose to the County Assembly.

This is the only County Assembly in the Republic of Kenya where monies are just put in a basket without specifying on the programs that are supposed to be done. We gave him room in 2013/2014 but that made him to practice unfair distribution of resources. I can cite a very good example where he is giving Bomet Central KES 3 million, Bomet East KES 3 Million and he is taking to Chepalungu KES 6 million. I can further give an example where he has given his ward KES 46 million to transfer certain school. He has purchased 29 water tanks and he has given Singorwet ward 8 water tanks, what is the criterion that is being used here?

Currently the leading constituency in terms of roads construction is Chepalungu constituency where the CEO of this County and the Chair of roads in this House have been the major contractors. Chepalungu constituency is leading in terms of roads construction and the number of kilometres that have been done and some members can confirm this.

There are some wards where 2 kilometres of road have been done. Which are the criteria that are used by the CEO and CECs of this County are they using?

Hon. Speaker: What is it honourable Chepkwony?

Hon. J. Chepkwony: What my colleague is expressing right now is quite moving only that by mentioning that there is a lot work that has been done in Chepalungu especially where I am coming from and Chebunyo ward is in Chepalungu Sub-County but it is lacking far much behind in roads construction.

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Hon. Speaker: Honourable Kirui.

Hon. L. Kirui: On the same not, I like the argument of honourable Joyce but it is only that she is lumping everything in Chepalungu; otherwise I am in record saying Siongiroi ward is also lacking behind in terms of roads construction and I can give an example that there was one road that was put as a priority in CIDP (County Intergraded Development Plan); Kamunduki-Cheplelyet-Kipsuter-Cheagel road which has never been constructed since the since the County Government came in place. I want to inform honourable Joyce that though it is Chepalungu it is not in every part of Chepalungu.

Hon. Speaker: Honourable Serbai.

Hon. R. Serbai. I just want to inform this House that they are on the right direction in this particular process of making this budget.

I also want to congratulate all the members and I want to inform them that in as much as honourable Joyce is telling us about development and whatever, maybe she is so much emotional because of some of the things that may have not been done in her ward to an extend of saying Chepalungu benefited more and I want to inform this House that as we are debating let us be specific because honourable members from Chepalungu are also complaining on these particular roads. That is information to this House that from 2013 to date we have been budgeting money thinking that this money is going to assist the people and the opposite is happening that it is not assisting the people and I just want to inform this House that the number of millionaires in Bomet have increased and they are only less than 10 but the number of beggars have also increased from 200 to almost 500,000 because of the poor leadership of this County.

As it has also been mention that KES 46 million does not concern Siongiroi and Chebunyo but it concerns where the Governor is coming from and where the member of that ward is coming from and that is why he is missing in action, thank you.

Hon. Speaker: Honourable Joyce you have less than one minute.

Hon. Joyce Korir: I concur with hon. Kirui and hon. Chepkwony in the sense that they are also not coming from where the Governor is coming from and I am always equipped with documents which are supposed to be laid in this House and the way the CECs are using funds o this County Government.

I am here today defending the already passed Budget Estimates and the Appropriation bill contrary to the memorandum that he has given to us which was based on the budget estimates.

Unless otherwise convinced we must go as per our approved Budget Estimates, Appropriation Bill and the legality of the memorandum that was given to this House was given by some good guys who thought Assembly is still learning.

We have done two budgets, we have known our mistakes to an extent where Justice Lenaola has also informed us on the mistakes and we can never get back to the mistakes. The memorandum that was send to this House...

Hon. Speaker: Your time is up honourable Joyce.

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Hon. Joyce Korir: Is totally illegal. The monies that we put in the Budget Estimates, Fiscal Strategy Paper and Appropriation Bill and as the conditional allocation to every ward must go to those wards and no one can dictate this House.

Hon. Speaker: Honourable members this has been a very weighty issue based from the discussion and the debate last week, this weighty matter needs a very serious deliberations.

Many members have raised right from last week whether the new issues can be introduced through a memorandum and this is what the memorandum is trying to do.

The other weighty matter that has been raised; which the memorandum raised is on the issue of whether the Assembly can be able to have its own development vote which in the memorandum they are saying the Assembly cannot be able to have its own development vote.

The other issue is whether the issues of placement of clauses or rather votes in a bill can be done though a memorandum and I think that is what some of the members have been trying to raise in this particular debate on the memorandum.

The critical issue which also the members have debated is that the memorandum has increased local revenue by almost KES 30 million and whether memorandum is the right forum to increase that allocation.

The other major issue which has been the subject of debate in this County Assembly is whether the Governor has the powers to reduce personal emoluments for the County Assembly because it is not showing whether you are reducing personal emoluments for the staff or for the members and God forbid, this is are workings; there is a proper working on the same.

Looking at all these and leaving emotions aside, the memorandum is raising very pertinent issues because from where I sit, this issue has taken almost over 10 months. The budget making process takes almost over 10 months and in one aspect of one issue called Memorandum, does the Governor have the total powers to overrule the whole budget without putting into considerations the efforts done by the County Assembly, the efforts proposed by the members of the public.

This is a very weighty matter and the law is silent on the deadline on when a memorandum should be dispensed with. It is an open ended issue and it doesn't state how the Memorandum can be dispensed with; whether within a few days and that is why I didn't want to give the Chair Budget and Appropriation Committee to make his reply. I believe that we need to interrogate these issues. We have an extra mile to do even research in the National Assembly, I have also inquired from those in the current parliament in the Senate and in the National Assembly as well as those who were in the previous parliament.

You need to indulge me because this is a very weighty matter that needs a considered opinion and you know the rules of engagement. When we talk about a considered opinion it really needs to be written and signed by the Speaker because it will be subject to creating a room for others to either reject it or emulate it. It will act as a precedent in the whole Country. This is a very weighty matter on the aspect

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about memorandum and if you have seen the current debates in the National Assembly the President has returned a memorandum and there is a whole debate on that issue. I kindly request that you need to give me up to tomorrow afternoon and I will be able to give a considered ruling at 2. 30 p.m. so that we can be able to dispense with this matter once and for all giving my line of reason backed by legislation or by previous ruling both in National and other jurisdictions within Commonwealth countries.

Kindly allow me honourable members so that tomorrow at 2.30pm I will be able to give a considered ruling which will give directions on the way forward on how as a House we will be dispensing with this memorandum which was brought by the Governor. I hope the honourable Chair for Budget and Appropriation Committee you are not offended in any way because based on what we had said you were supposed to give your reply but we had agreed on because all these issues that members really needed to take time. Kindly indulge me until tomorrow at 2.30 p.m. when I will be able to give a considered ruling on this heavy matter. Thank you very much.

I had requested you members that after this session there are some visitors from Ahadi programme from USAID and they wanted to have a small discussion on the project that is being funded by USAID which is supporting both the County Executive and the County Assembly on the way forward especially given that they need to sample some wards in every Sub- County to undertake some study and I am requesting that we meet after this.

ADJOURNMENT.

Hon. Speaker: There being no further business to be transacted, the House stands adjourned until tomorrow at 2.30 p.m.

The House adjourned at 5.58 p.m.